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CONFIDENTIAL

March 1, 2021

VIA EMAIL

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Re: In re Apple iPhone Antitrust Litigation, Case No. 4:11-cv-06714-YGR (N.D. Cal.);
Cameron v. Apple Inc., Case No. 4:19-cv-03074-YGR (N.D. Cal.); Epic Games, Inc.
v. Apple Inc., Case No. 4:20-cv-05640-YGR (N.D. Cal.)

Dear Counsel:

I am writing on behalf of Defendant Apple Inc. (“Apple”) in response to your letters dated February 20, 2021 and February 26, 2021 challenging Apple’s clawback of the following thirteen documents on February 10, 2021:

- APL-EG_01264893
- APL-EG_01264909
- APL-EG_01264918
- APL-EG_01265124
- APL-EG_01265181
- APL-EG_01265190
- APL-EG_01265192
- APL-EG_01265194
- APL-EG_01265206
- APL-EG_01265209

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- APL-EG_01473841
- APL-EG_01473842
- APL-EG_01473843

Each of these documents is privileged. Each one of them is a confidential internal document that either reflects confidential legal advice from Apple's in-house counsel, Sean Cameron and Jason Cody, or were created at their direction for purposes of providing legal advice regarding Apple's creation and implementation of the Small Business Program, including the legal impact and risks of implementing that program. In particular, Mr. Cameron and Mr. Cody reviewed, revised, and/or relied on these thirteen documents, and requested the creation of many of them, for the purposes of providing legal advice about, among other things, potential fraud, data privacy, competition, false advertising, and contract issues implicated by Apple's development of the Small Business Program. Accordingly, each of these documents is entirely privileged.

Pursuant to the January 21, 2021 Stipulated Amended Protective Order entered in *In re Apple iPhone Antitrust Litigation*, Case No. 4:11-cv-06714-YGR (N.D. Cal.), and *Cameron v. Apple Inc.*, Case No. 4:19-cv-03074-YGR (N.D. Cal.), and the Stipulation between Epic Games, Inc. and Apple Inc. and Amended Protective Order, entered on January 21, 2021 by the Court in *Epic Games, Inc. v. Apple Inc.*, Case No. 4:20-cv-05640-YGR (N.D. Cal.), Federal Rule of Evidence 502(b), Apple's February 10, 2021 notification letter, and this letter, these documents are protected by the attorney-client privilege and/or work product doctrine, and were inadvertently produced to Plaintiffs. Apple reiterates that such inadvertent disclosure of these documents does not operate as a waiver of the attorney-client privilege or work product doctrine as to these documents or related topics.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ethan Dettmer", with a long horizontal flourish extending to the right.

Ethan Dettmer